

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|   |   |                                     |
|---|---|-------------------------------------|
| -----                                   | X |                                     |
| NEW FORTUNE, INC.,                      | : |                                     |
|   | : |                                     |
| Plaintiff,                              | : |                                     |
|   | : | Case No.: 1:20-cv-04883 (DLC) (KNF) |
| - against -                             | : |                                     |
|   | : |                                     |
| APEX LOGISTICS INTERNATIONAL (CN) LTD., | : |                                     |
| AND AEROFLOT AIRLINES                   | : |                                     |
|   | : |                                     |
| Defendants.                             | : |                                     |
|   | : |                                     |
| -----                                   | X |                                     |

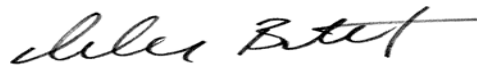
**DECLARATION OF ANTHONY U. BATTISTA  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

I, ANTHONY U. BATTISTA, declare as follows:

1. I am an attorney duly admitted before this Court and I am a partner with the law firm of Condon & Forsyth LLP, attorneys for Defendant AEROFLOT RUSSIAN AIRLINES.
2. I am familiar with all of the pleadings and proceedings in this matter and respectfully submit this Declaration in support of Defendants' Joint Motion to dismiss the Amended Complaint for failure to state a claim upon which relief may be granted.
3. Attached hereto as Exhibit A is a true and correct copy of the Amended Complaint [Dkt. 24] filed by Plaintiff in this action.
4. Attached hereto as Exhibit B is a true and correct copy of the Complaint [Dkt. 1] filed by Plaintiff in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 23, 2020  
New York, New York



Anthony U. Battista